

WEDNESDAY, JANUARY 14, 1981

SECOND ORGANIZATIONAL DAY

The House met at 11:00 a.m. and was called to order by Mr. Speaker McWherter.

The proceedings were opened with prayer by Representative Ralph Duncan of Decatur County.

Representative Duncan led the House in the Pledge of Allegiance to the Flag.

The roll call was taken with the following results:

Present 96

Representatives present were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford (Cocke), Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hurley, Huskey, Jared, Johnson, Kelley, Kent, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—96.

Mr. Burnett moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 8 out of order, which motion prevailed.

House Joint Resolution No. 8—Relative to recess, 92nd General Assembly—By Burnett and Henry (Roane).

Mr. Burnett moved that the rules be suspended for the immediate consideration of House Joint Resolution No. 8, which motion prevailed.

On motion, the resolution was adopted.

A motion to reconsider was tabled.

SECOND ROLL CALL

The roll call was taken with the following results:

Present 97

Representatives present were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark

(Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford (Cocke), Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson) Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—97.

INTRODUCTION OF RESOLUTIONS

House Resolution No. 2—Relative to congratulating City of Farragut—By Owen.

The resolution lies over pending appointment of appropriate committee.

House Joint Resolution No. 6—Relative to implementation, proficiency testing—By Lashlee and Henry (Blount).

The resolution lies over pending appointment of appropriate committee.

INTRODUCTION OF BILLS

House Bill No. 33—To provide for annexation by ordinance—By Owen.

Passed first consideration.

House Bill No. 34—To exempt certain types of investments from tax—By Owen.

Passed first consideration.

House Bill No. 35—To change composition and function, board of dentistry—By Owen.

Passed first consideration.

House Bill No. 36—To regulate excise tax on certain corporations—By Owen.

Passed first consideration.

House Bill No. 37—To increase well drilling fees—By Miller, Johnson, Hillis, Carter and Bewley.

Passed first consideration.

House Bill No. 38—To regulate severance tax, oil and gas—By Miller, Johnson and Hillis.

Passed first consideration.

House Bill No. 39—To increase compensation, mayor and aldermen, Camden—By Lashlee.

Passed first consideration.

House Bill No. 40—To transfer Industrial Training Service to Department of Education—By Lashlee.

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Passed first consideration.

House Bill No. 41—To increase awards for approved employee suggestions—By Bragg.

Passed first consideration.

House Bill No. 42—To regulate voter registration by mail—By Copeland.

Passed first consideration.

House Bill No. 43—To regulate child passenger restraint systems—By Wheeler.

Passed first consideration.

House Bill No. 44—To require guidance counselors, elementary schools—By Wheeler.

Passed first consideration.

House Bill No. 45—To guarantee certain rights, athletic events—By Wheeler.

Passed first consideration.

House Bill No. 46—To amend Section 16-15-605, Code—By Wheeler.

Passed first consideration.

House Bill No. 47—To make felony, coercion of state officials—By Davis (Hamilton) and Henry (Blount).

Passed first consideration.

House Bill No. 48—To terminate interstate compact on mental health—By Davis (Hamilton), Richardson and Henry (Blount).

Passed first consideration.

House Bill No. 49—To terminate Department of Mental Health and Mental Retardation—By Davis (Hamilton), Richardson and Henry (Blount).

Passed first consideration.

House Bill No. 50—To abolish Board of Polygraph Examiners—By Davis (Hamilton), Richardson and Henry (Blount).

Passed first consideration.

House Bill No. 51—To make felony, certain cross burnings—By Davis (Hamilton).

Passed first consideration.

House Bill No. 52—To amend Section 43-16-110, Code—By Pickering and Davidson.

Passed first consideration.

House Bill No. 53—To regulate sick leave—By Miller.

Passed first consideration.

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House Bill No. 54—To compensate estate of employee with accrued sick leave—By Murphy (Davidson), Clark (Davidson) and Covington.

Passed first consideration.

House Bill No. 55—To make certain provisions legal holidays—By Gaia.

Passed first consideration.

HOUSE BILLS ON SECOND CONSIDERATION

House Bill No. 1—To prohibit persons convicted of infamous crimes from voting.

Passed second consideration and held pending appointment of appropriate committee.

House Bill No. 2—To enact Health Services Cost Review Commission Act.

Passed second consideration and held pending appointment of appropriate committee.

House Bill No. 3—To provide for issuance of traffic citations, certain accidents.

Passed second consideration and held pending appointment of appropriate committee.

House Bill No. 4—To provide for appointment, campaign treasurer.

Passed second consideration and held pending appointment of appropriate committee.

House Bill No. 5—To regulate display or distribution, campaign materials.

Passed second consideration and held pending appointment of appropriate committee.

House Bill No. 6—To provide for special license plates, county officials.

Passed second consideration and held pending appointment of appropriate committee.

House Bill No. 7—To define costs paid by defendants, criminal offenses.

Passed second consideration and held pending appointment of appropriate committee.

House Bill No. 8—To create juvenile court, Rhea County.

Passed second consideration and held without reference.

House Bill No. 9—To modify composition, state executive committees, political parties.

Passed second consideration and held pending appointment of appropriate committee.

House Bill No. 10—To require use of child restraint devices, motor vehicles.

Passed second consideration and held pending appointment of appropriate committee.

House Bill No. 11—To regulate location, certain public housing.

Passed second consideration and held pending appointment of appropriate committee.

House Bill No. 12—To impose mandatory sentences, burglary convictions.

Passed second consideration and held pending appointment of appropriate committee.

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House Bill No. 13—To define and set consequences, infamous crime.

Passed second consideration and held pending appointment of appropriate committee.

House Bill No. 14—To regulate state-owned hot mix asphalt facilities.

Passed second consideration and held pending appointment of appropriate committee.

House Bill No. 15—To make certain provisions, boards and commissions, Marion County.

Passed second consideration and held pending appointment of appropriate committee.

House Bill No. 16—To define voting rights, certain county officials.

Passed second consideration and held pending appointment of appropriate committee.

House Bill No. 17—To regulate tax on income from stocks and bonds.

Passed second consideration and held pending appointment of appropriate committee.

House Bill No. 18—To enact the Medical Radiation Safety Act.

Passed second consideration and held pending appointment of appropriate committee.

House Bill No. 19—To grant certain authority, peace officers.

Passed second consideration and held pending appointment of appropriate committee.

House Bill No. 20—To regulate transfers of vehicles to dealers.

Passed second consideration and held pending appointment of appropriate committee.

House Bill No. 21—To amend Section 49-603, Code.

Passed second consideration and held pending appointment of appropriate committee.

House Bill No. 22—To make Military career information available to students.

Passed second consideration and held pending appointment of appropriate committee.

House Bill No. 23—To make burglary a Class X felony.

Passed second consideration and held pending appointment of appropriate committee.

House Bill No. 24—To regulate sale of certain jewelry.

Passed second consideration and held pending appointment of appropriate committee.

House Bill No. 25—To regulate production and sale, goat's milk.

Passed second consideration and held pending appointment of appropriate committee.

House Bill No. 26—To regulate travel, state employees.

Passed second consideration and held pending appointment of appropriate committee.

House Bill No. 27—To provide certain insurance coverage, state employees.

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Passed second consideration and held pending appointment of appropriate committee.

House Bill No. 28—To make certain provisions, longevity pay.

Passed second consideration and held pending appointment of appropriate committee.

House Bill No. 29—To amend Charter, Centerville.

Passed second consideration and held pending appointment of appropriate committee.

House Bill No. 30—To amend Section 51-441, Code.

Passed second consideration and held pending appointment of appropriate committee.

House Bill No. 31—To increase nonresident hunting and fishing license fees.

Passed second consideration and held pending appointment of appropriate committee.

House Bill No. 32—To create juvenile court, Bledsoe County.

Passed second consideration and held without reference.

Pursuant to Code Mr. Rhinehart presented the following report:

REPORT OF THE SELECT COMMITTEE TO REVIEW THE AUDITS AND OPERATIONS OF THE COMPTROLLER OF THE TREASURY AND THE DEPARTMENT OF THE TREASURY

On December 19, 1980, the select committee appointed by the Speaker of the Senate and Speaker of the House of Representatives pursuant to Tennessee Code Annotated, elections 8-4-102 and 8-5-102 to review the audits and operations of the Comptroller of the Treasury and the Department of the Treasury met in the conference room of the Speaker of the Senate in the Legislative Plaza. The select committee was composed of Representative Shelby Rhinehart and Senator John Hicks, who served as co-chairman and Senator Johnny Crow, Senator T. Tommy Cutrer and Representative Steve Cobb and Representative James M. Henry. All members were present.

Mr. William R. Snodgrass, Comptroller of the Treasury, and Mr. Frank Greathouse, Director of State Audit, presented the following information to the committee:

1. The audit report of the Comptroller of the Treasury for the period December 1, 1979 through November 30, 1980;
2. The audit report of the Department of Treasury for the period December 1, 1979 through November 30, 1980;
3. The purposes of a quality review performed on the Division of State Audit by the accounting firm of Peat, Marwick, Mitchell & Co., CPA'S; and
4. A report on the quality review to the Speakers from Peat, Marwick, Mitchell & Company.

Senator Crow moved that the committee accept the audit of the Department of the Treasury as being properly conducted and in compliance with all laws and to report such action to the Senate and House of Representatives. Representative Cobb seconded the motion which carried unanimously. It was further recommended by the committee that Mr. Harlan Mathews, State Treasurer, pursue necessary legislation to clarify the fiduciary

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relationship between the members of the Investment Advisory Council and the Tennessee Consolidated Retirement System and resultant personal liability of such members.

Senator Cutrer moved that the committee accept the audit of the Comptroller of the Treasury as being properly conducted and in compliance with all laws and to report such action to the Senate and House of Representatives. Senator Crow seconded the motion which carried unanimously. It was further recommended by the committee that Mr. William R. Snodgrass, Comptroller of the Treasury, pursue necessary legislation to amend the law concerning the cost Accountant and Budget Officer to clarify Tennessee Code Annotated to reflect accurately the present law and procedure regarding this position.

The members of the committee were impressed with the thoroughness of the presentation and procedures of the Comptroller of the Treasury and his staff and the condition of the Treasury's accounts, and commend them highly for their outstanding ability and work, which build public confidence by the taxpayer in the government of Tennessee.

And being no further business, the committee adjourned, sine die.

Sen. John Hicks, Chairman

Sen. Johnny Crow

Sen. T. Tommy Cutrer

Rep. Shelby Rhinehart, Chairman

Rep. Steve Cobb

Rep. James M. Henry

SPONSORS ADDED

Without objection, the rules were suspended to allow the following members to add their names as sponsors to the bills as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 1—Webb, Duer, Bivens, Duncan, Bewley

House Bill No. 3—Duncan

ENGROSSED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Joint Resolution No 8; and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

SIGNED

5. The Speaker announced that he had signed the following: House Joint Resolution No.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Joint Resolution No 5, signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK

MR.SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Joint Resolution No 5; for his action.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

Mr. Burnett moved that the House stand in recess until 12:00 o'clock, noon for the purpose of meeting with the Senate in Joint Convention to elect the Constitutional Officers, and further moved that upon dissolution of the Joint Convention, the house adjourn until 10:00 a.m. tomorrow, which motion prevailed.

IN JOINT CONVENTION

The hour having arrived, set by House Joint Resolution No. 5—Relative to Joint Convention, Election of Constitutional Officers, the House and Senate met in Joint Convention.

The Joint convention was called to order by Mr. Speaker Wilder, President of the Joint Convention.

On motion, the roll calls of the House and Senate were dispensed with.

Thereupon, the Clerk of the Senate read House Joint Resolution No. 5 authorizing the Joint Convention.

Mr. President Wilder declared that the next order of business was the election of a Secretary of State, and that nominations were in order.

Senator Cutrer placed in nomination the name of the Honorable Gentry Crowell of Wilson County.

Representative Bell (Wilson) seconded the nomination of Mr. Crowell.

Representative Burnett seconded the nomination of Mr. Crowell.

Senator Hamilton moved that nominations cease and that the clerks of the respective bodies be directed to call the roll, which motion prevailed.

The Clerk of the Senate called the roll of the Senate with the following result:

For Mr. Crowell..... 32

The Clerk of the House called the roll of the House with the following result:

For M. Crowell 95

Representatives voting for Mr. Crowell were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson),

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Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford (Cocke), Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—95.

Total vote for Mr. Crowell 127

Thereupon, Mr. President Wilder declared the Honorable Gentry Crowell duly, legally, and constitutionally elected Secretary of State for the ensuing four years.

APPOINTMENT OF SELECT COMMITTEE

Mr. President Wider appointed the following committee to escort Mr. Crowell to the well of the House: Senators Crouch and Person; Representatives DeBerry, Stafford and McKinney.

Mr. Crowell expressed his appreciation.

Mr. President Wilder declared the next order of business was the election of a Comptroller of the Treasury, and that nominations were in order.

Senator Burks placed in nomination the name of the Honorable William R. Snodgrass of White County.

Senator Henry seconded the nomination of Mr. Snodgrass.

Senator Hamilton moved that nominations cease and that the clerks of the respective bodies be directed to call the roll, which motion prevailed.

The Clerk of the Senate called the roll of the Senate with the following results:

For M. Snodgrass 33

The Clerk of the House called the roll of the House with the following results:

For Mr Snodgrass 95

Representatives voting for Mr. Snodgrass were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford (Cocke), Frensley, Gaia, Gill Harrill, Henry (Blount), Henry (Roane), Hillis, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery Moore, Murphy (Davidson), Murphy (Shelby) Murray, Naifeh, Owen, Percy, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—95.

Total vote for Mr. Snodgrass 128

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Mr. President Wilder declared the Honorable William R. Snodgrass duly, legally, and constitutionally elected Comptroller of the Treasury for the ensuing two years.

APPOINTMENT OF SELECT COMMITTEE

Mr. President Wilder appointed the following committee to escort Mr. Snodgrass to the well of the House: Senators Burks, Hamilton, Dunavant; Representatives Hillis, Brewer Bragg, Rhinehart and Copeland.

Mr. Snodgrass expressed his appreciation.

Mr. President Wilder declared the next order of business was the election of a State Treasurer, and that nominations were in order.

Senator Blank placed in nomination the name of the Honorable Harlan Mathews of Williamson County

Representative Murray seconded the nomination of Mr. Mathews.

Senator Williams seconded the nomination of Mr. Mathews.

Representative Naifeh moved that nominations cease and that the clerks of the respective bodies be directed to call the roll, which motion prevailed.

The Clerk of the Senate called the roll of the Senate with the following results:

For Mr. Mathews 32

The Clerk of the House called the roll of the House with the following results:

For Mr. Mathews 95

Representatives voting for Mr. Mathews were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford (Coke), Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hurley, Husky, Jared, Johnson, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—95.

Total vote for Mr. Mathews 127

Thereupon, Mr. President Wilder declared the Honorable Harlan Mathews duly, legally, and constitutionally elected State Treasurer for the ensuing two years.

APPOINTMENT OF SELECT COMMITTEE

Mr. President Wilder appointed the following committee to escort Mr. Mathews to the well of the House: Senators Garland and Rucker; Representatives DeBerry, Davis (Gibson) and Davis (Hamilton)

Mr. Mathews expressed his appreciation.

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OATH OF OFFICE

The Oath of Office was administered to Messrs. Crowell, Snodgrass and Mathews by the Honorable Frank F. Drowota, III, Associate Justice of the Supreme Court.

The purpose for which the Joint Convention was called having been accomplished, Mr. President Wilder declared the Joint Convention dissolved.

The Senate repaired to the Senate Chamber.

Thereupon, pursuant to Mr. Burnett's earlier motion, Mr. Speaker McWherter declared the House adjourned until 10:00 a.m. tomorrow.